HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3004 OF 2005.

Ashok Gopichand Karia & Ors. ...Applicants.

V/s.

The State of Maharashtra. ...Respondent

Shri Vilas B.Tapkir, for applicants.

Shri K.V.Saste, APP for respondent.

CORAM: A.M.KHANWILKAR,J
DATE : MAY 4, 2005

P.C. :-

1. Heard counsel for the parties.

2. Learned APP states on instruction of the Investigating Officer, who is personally present in the court that after the information was given to the police station, police officer visited the concerned premises alongwith the complainant, which was opened by the key possessed by the complainant. If it is so, it is obvious that the premises are in occupation of the complainant. However, the case of the complainant seems to be that after possession was given to the complainant, the applicants put his own lock on the premises, thereby taking away possession of the

premises from the complainant.

3. According to the applicants, the allegation is incorrect and in any case, as civil dispute is already pending between the parties, question of applicants interfering with the possession of the premises with complainant does not arise as the applicants themselves have handed over possession thereof to the complainant.

4. On accepting assurance given on behalf of the applicants, in my opinion, in the peculiar facts of the present case, the applicants are entitled to succeed in this application on following condition.

(i) The applicants are granted anticipatory bail in connection with the C.R.No.124 of 2005, registered with Wanwori Police Station, Pune on executing personal bond in the sum of Rs.20,000/-(Rs.twenty thousand) each with two local sureties in like amount.

(ii) Applicants shall not influence the prosecution witnesses nor tamper with the prosecution evidence in any manner, whatsoever.

(iii) The applicants shall co-operate for the

purpose of investigation as and when called upon by the Investigating Officer.

(iv) The applicants undertake through the counsel that they shall not interfere with the possession of the complainant in respect of the disputed premises, until appropriate orders are passed by the Civil court in that behalf.

(v) This order will enure in favour of the applicants till filing of the chargesheet.

5. Application disposed of accordingly.